

NEVADA DEPARTMENT OF EDUCATION

Notice of Workshop to Solicit Comments on Proposed Temporary Regulation

The Nevada Department of Education is proposing regulation language pertaining to the Nevada Administrative Code. The Workshop has been scheduled for **Tuesday, May 5, 2015** via video conference at the following locations: **Nevada Department of Education Offices, Board Conference Room, 700 East Fifth Street, Board Room, Carson City and 9890 South Maryland Parkway, 2nd Floor Board Conference Room, Las Vegas, Nevada.** The purpose of the Workshop is to solicit comments from interested person on the following general topics to be addressed in a proposed regulation:

1:00 P.M. Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 385 to provide for the contents and procedures for applications for grants provided pursuant to the Nevada Educational Choice Scholarship Program (Statutes of Nevada 2015, Chapter 22) and other matters necessary to carry out the provisions of the program.

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting by telephone Karen Johansen, State Board of Education Office, Nevada Department of Education, at 775-687-9225, or in writing to the Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096. A reasonable fee for copying may be charged.

This Notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations: The offices of the Nevada Department of Education in Carson City and Las Vegas, the 17 Nevada School District Superintendents' Offices, the 17 Nevada County main public libraries, the Nevada State Library and Archives, and at the meeting locations.

BRIAN SANDOVAL
Governor

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DALE A.R. ERQUIAGA
Superintendent of Public Instruction



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**SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608**

Date: May 5, 2015

Re: Workshop to Adopt Regulations Concerning the Nevada Educational Choice Scholarship Program, scheduled for May 5, 2015 at 1:00 p.m.

I, Dale A.R. Erquiaga, being the duly appointed Superintendent of Public Instruction, do hereby certify that, to the best of my knowledge or belief:

1. The proposed new regulations to be added the NAC Chapter 385 concerning the administration of the Nevada Educational Choice Scholarship Program are not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business. The proposed regulations will implement a program that provides a tax credit under certain circumstances to businesses in this state required to pay a tax pursuant to NRS 363A.130 or 363B.110, and will provide procedures for non-profit organizations registering as a scholarship organization.
2. A concerted effort was made to determine any economic burden. The Department of Education has relied on expert knowledge of other states where similar programs have been enacted, as well as legislative testimony during the consideration and passage of Assembly Bill 165 (Statutes of Nevada 2015, Chapter 22) of the 78th Regular Legislative Session.
3. All relevant materials were reviewed and the Department considered its history with implementing similar regulations; the proposed changes are within the historic scope of the Department's activities and present no significant cost of enforcement.
4. Comment has not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or economic impact can be assessed. Any impact is positive and was considered during legislative testimony.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dale A.R. Erquiaga", written over a horizontal line.

DALE A.R. ERQUIAGA
Superintendent of Public Instruction

Nevada Educational Choice Scholarship Program:
Proposed Regulatory Topics
Pursuant to Statutes of Nevada 2015, Chapter 22 (AB 165 of the 78th Regular Session)

1. Require that the Department establish a directory of scholarship organizations and maintain this information on its website.
2. Clarify that there is no limit on the number of scholarship organizations under this program.
3. Provide that when registering as a scholarship organization with the Department, a 501(c)(3) organization must include affidavits stating that no person on its board or staff has been convicted of a felony, has declared bankruptcy, or has had a license to be a teacher or administrator revoked.
4. Establish a list of the costs that can be paid for with a grant provided under this program, if there are allowable costs other than private school tuition.
5. Establish procedures for a parent or guardian to apply to any scholarship organization in this state, or more than one organization, including a means of demonstrating financial eligibility under this law.
6. Provide for record-keeping, data protection and aggregated reporting to the Department.
7. Provide that no application fee may be charged to parents and guardians.
8. Establish procedures for a scholarship organization to approve grants on behalf of pupils, including a process for prioritizing the consideration of certain types of applications.
 - a. Possible candidates for priority consideration:
 - i. Lower income levels
 - ii. Children currently attending low performing schools
 - iii. Children not already enrolled in a private school
 - b. Provide a process for conducting a lottery or other process if more applications are received than there is funding available, and other steps to be taken by organizations in making awards.
9. Establish a process for the timing of grant payments to schools, including proof that the student remains enrolled and a means for transferring a grant to another school, or refunding any unearned portion of the grant if the student changes the place of enrollment.
10. Provide that scholarships may be awarded for more than one year, if funds are available, including the continued demonstration of financial eligibility with a process for revoking a grant if the family's income rises about the statutory threshold.
11. Ensure that no school may accept more than the statutory cap for a grant for an individual student, even if that student receives grants from more than one scholarship organization.
12. Clarify that home schools are excluded from this program.
13. Require the Department to prepare annual report of academic progress of scholarship recipients, including the record-keeping requirement of schools receiving grants.
14. Require an annual audit of scholarship organizations.